



February 19, 2002

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## ENGROSSED SENATE BILL No. 153

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DIGEST OF SB 153 (Updated February 19, 2002 12:26 PM - DI 97)

**Citations Affected:** IC 23-1.5; IC 25-20.5; noncode.

**Synopsis:** Hypnotists. Provides that additional health care professionals may form professional corporations. Provides that an individual who teaches hypnotism is a hypnotist. Revises the requirements to serve on the hypnotist board and the requirements for hypnotist certification. Revises acts that are prohibited by a hypnotist. Makes practicing hypnotism without certification a Class A misdemeanor. Authorizes injunctions against individuals who violate the hypnotist laws. Repeals definitions of "qualified supervisor" and "supervision". Exempts licensed chiropractors from hypnotist regulations.

**Effective:** July 1, 2002.

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(HOUSE SPONSORS — KLINKER, WOLKINS)

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January 7, 2002, read first time and referred to Committee on Health and Provider Services.

January 31, 2002, amended, reported favorably — Do Pass.

February 4, 2002, read second time, amended, ordered engrossed.

February 5, 2002, engrossed. Read third time, passed. Yeas 41, nays 8.

#### HOUSE ACTION

February 11, 2002, read first time and referred to Committee on Insurance, Corporations and Small Business.

February 19, 2002, reported — Do Pass.

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ES 153—LS 6432/DI 77+



February 19, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## ENGROSSED SENATE BILL No. 153

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 23-1.5-1-8 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. "Health care  
3 professional" means

4 (1) ~~a chiropractor licensed under IC 25-10-1;~~

5 (2) ~~a dentist licensed under IC 25-14;~~

6 (3) ~~a nurse licensed under IC 25-23-1;~~

7 (4) ~~an optometrist licensed under IC 25-24;~~

8 (5) ~~a pharmacist licensed under IC 25-26;~~

9 (6) ~~a physical therapist licensed under IC 25-27;~~

10 (7) ~~a physician licensed under IC 25-22-5;~~

11 (8) ~~a podiatrist licensed under IC 25-29;~~

12 (9) ~~a psychologist licensed under IC 25-33-1; or~~

13 (10) ~~a speech-language pathologist or audiologist licensed under~~  
14 ~~IC 25-35.6-3.~~

15 **an individual who is licensed, certified, or registered by a board (as**  
16 **defined in IC 25-1-9-1). However, the term does not include a**  
17 **veterinarian.**

ES 153—LS 6432/DI 77+



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SECTION 2. IC 23-1.5-1-9, AS AMENDED BY P.L.82-2000,  
SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2002]: Sec. 9. "Licensing authority" means the following:

- (1) In the case of an accounting professional, the Indiana state board of public accountancy.
- (2) In the case of an architectural professional, the board of registration for architects and landscape architects.
- (3) In the case of an engineering professional, the state board of registration for professional engineers.
- (4) In the case of an attorney, the Indiana supreme court.
- (5) In the case of a health care professional, ~~who is:~~
  - (A) ~~a chiropractor, the board of chiropractic examiners;~~
  - (B) ~~a dentist, the state board of dentistry;~~
  - (C) ~~a nurse, the Indiana state board of nursing;~~
  - (D) ~~an optometrist, the Indiana optometry board;~~
  - (E) ~~a pharmacist, the Indiana board of pharmacy;~~
  - (F) ~~a physical therapist, the Indiana physical therapy committee;~~
  - (G) ~~a physician, the medical licensing board of Indiana;~~
  - (H) ~~a podiatrist, the board of podiatric medicine;~~
  - (I) ~~a psychologist, the state psychology board; or~~
  - (J) ~~a speech-language pathologist, the speech-language pathology and audiology board.~~
- the board (as defined in IC 25-1-9-1) that issues the individual's license, certification, or registration.**
- (6) In the case of a veterinarian, the Indiana board of veterinary medical examiners.
- (7) In the case of a land surveyor, the state board of registration for land surveyors.
- (8) In the case of a real estate professional, the Indiana real estate commission.

SECTION 3. IC 25-20.5-1-1 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. This chapter does not  
apply to the following:

- (1) A licensed dentist practicing dentistry under IC 25-14.
- (2) A licensed physician practicing medicine under IC 25-22.5.
- (3) A licensed osteopath practicing medicine under IC 25-22.5.
- (4) A licensed psychologist practicing psychology under IC 25-33.
- (5) A certified social worker or clinical social worker practicing social work or clinical social work under IC 25-23.6.
- (6) A registered nurse licensed under IC 25-23.



(7) A certified marriage and family therapist practicing marriage and family therapy under IC 25-23.6.

(8) An individual who teaches Lamaze prenatal and delivery relaxation techniques to pregnant women.

(9) A law enforcement officer who:

(A) is trained in hypnotism; and

(B) uses hypnosis only for law enforcement purposes.

(10) **A licensed chiropractor practicing the science of chiropractic under IC 25-10.**

(11) An individual who performs hypnotism exclusively for entertainment or amusement purposes at a theater, night club, or other place that offers entertainment to the public for consideration or promotional purposes.

SECTION 4. IC 25-20.5-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. As used in this chapter, "hypnotist" means an individual who practices hypnotism, **teaches an individual to become a hypnotist**, or trains an individual in self-hypnosis.

SECTION 5. IC 25-20.5-1-7, AS AMENDED BY P.L.75-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) There is created a six (6) member Indiana hypnotist committee to assist the board in carrying out this chapter regarding the qualifications and examinations of hypnotists. The committee is comprised of:

(1) three (3) hypnotists;

(2) one (1) physician licensed under IC 25-22.5;

(3) one (1) licensed psychologist who has received a health service provider endorsement under IC 25-33-1-5.1; and

(4) one (1) individual who is a resident of Indiana and who is not associated with hypnotism in any way, other than as a consumer.

(b) The governor shall make each appointment for a term of three (3) years. Each hypnotist appointed must:

(1) be a certified hypnotist for at least ~~three (3) years~~ **one (1) year** under this chapter;

**(2) have at least five hundred (500) supervised classroom hours of hypnotism education from a school that is approved by the Indiana commission on proprietary education under IC 20-1-19 or by any other state that has requirements as stringent as required in Indiana;**

~~(2) (3) have at least three (3) years~~ **one (1) year of** experience in the actual practice of hypnotism immediately preceding appointment; and



(3) (4) be a resident of Indiana and actively engaged in the practice of hypnotism while a member of the committee.

(c) Not more than three (3) members of the committee may be from the same political party. A member of the committee is not required to be a member of a professional hypnosis association. However, no two (2) hypnotist members appointed to the committee may belong to the same professional hypnosis association.

(d) A member of the committee may be removed for cause by the governor.

(e) The board shall appoint a chairman from among the members of the committee.

SECTION 6. IC 25-20.5-1-11, AS AMENDED BY P.L.75-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) An individual who applies for a certificate as a hypnotist must do the following:

(1) Present satisfactory evidence to the committee that the individual:

(A) does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently;

(B) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a hypnotist without endangering the public; and

(C) has at least ~~three hundred fifty (350)~~ **five hundred (500) classroom** hours of hypnotism education from an Indiana school or program of hypnotism that is approved by the Indiana commission on proprietary education (referred to as "the commission" in this clause) under IC 20-1-19 or from any other state approved school or program that is found by the commission to have requirements as stringent as necessary for the commission's approval of an Indiana school or program of hypnotism. ~~including the following:~~

(i) ~~At least one hundred fifty (150) hours of supervised practice of hypnotism with a qualified supervisor; with not less than one (1) hour of personal supervision for every fifteen (15) hours of supervised practice:~~

(ii) ~~At least one hundred fifty (150) hours of classroom instruction in the practice of hypnotism:~~ A classroom hour may not be less than a fifty (50) minute period of instruction with both the instructor and student in attendance. Classroom instruction does not include video tape correspondence courses or other forms of electronic



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presentation.

(iii) ~~At least fifty (50) hours of video tape instruction in the practice of hypnotism. Video tape instruction may be used as a home study assignment.~~

(2) Pay the fee established by the board.

(b) An individual may not enroll in a school or program of hypnotism to satisfy the requirement under subsection (a)(1)(C) unless the individual:

(1) is at least eighteen (18) years of age; and

(2) has graduated from high school or received a:

(A) high school equivalency certificate; or

(B) state of Indiana general education development (GED) diploma under IC 20-10.1-12.1.

SECTION 7. IC 25-20.5-1-24, AS ADDED BY P.L.75-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 24. A hypnotist may not use, advocate, teach, or condone ~~the following practices~~ **demoniac rituals or acts, including spirit or demon depossession**, while engaged in the practice of hypnotism or advertising hypnotism services.

~~(1) Satanism.~~

~~(2) Satanic rituals.~~

~~(3) Spiritualism.~~

~~(4) Spirit or demon depossession.~~

SECTION 8. IC 25-20.5-1-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 25. (a) An individual may not practice hypnotism unless the individual is certified under this chapter.**

**(b) An individual who knowingly violates this section commits a Class A misdemeanor.**

SECTION 9. IC 25-20.5-1-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 26. (a) If an individual violates this chapter, the attorney general, the committee, or the prosecuting attorney of the county in which an individual violates this chapter may maintain an action in the name of the state to enjoin the individual from continuing in violation of this chapter.**

**(b) An individual who is enjoined and who violates the injunction shall be punished for contempt of court.**

**(c) An injunction issued under this section does not relieve an individual person from criminal prosecution but is in addition to any remedy provided under criminal law.**



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SECTION 10. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2002]: IC 25-20.5-1-12; IC 25-20.5-1-13.

SECTION 11. P.L.75-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: (a) The governor shall make the initial appointments to the Indiana hypnotist committee established by IC 25-20.5-1-7, as added by this act, before July 1, 1997.

(b) Notwithstanding IC 25-20.5-1-7, as added by this act, the initial terms of office of the members of the Indiana hypnotist committee are as follows:

(1) One (1) hypnotist member and the licensed psychologist member for terms of one (1) year:

(2) One (1) hypnotist member and the consumer member for terms of two (2) years:

(3) One (1) hypnotist member and the physician member for terms of three (3) years:

(c) Notwithstanding IC 25-20.5-1-7, as added by this act, an individual appointed to the Indiana hypnotist committee as a member under this SECTION does not need to be certified as a hypnotist. However, a hypnotist member must have completed at least three hundred (300) supervised classroom hours of hypnotism education from a school that is approved by the Indiana commission on proprietary education under IC 20-1-19 or by any other state that has requirements as stringent as required in Indiana. No two (2) hypnotist members appointed to the Indiana hypnotist committee may belong to the same professional hypnosis association (as defined by IC 25-20.5-1-6):

(d) (a) Notwithstanding IC 25-20.5-1-15, as added by this act, an individual who applies for certification to the Indiana hypnotist committee before January 1, 2005, may

(1) be certified as a hypnotist without being required to take the examination if the individual has completed at least three hundred (300) supervised classroom hours of hypnotism education from a school that is approved by the Indiana commission on proprietary education under IC 20-1-19 or by any other state that has requirements as stringent as required in Indiana; or

(2) take the examination, notwithstanding the individual's failure to meet the requirements of IC 25-20.5-1-10(a)(1)(C), IC 25-20.5-1-11(a)(1)(C), as added amended by this act, if the individual meets the other requirements under IC 25-20.5-1-10, IC 25-20.5-1-11, as added amended by this act, and has had at least ten (10) years of continued experience in hypnotism or has completed before July 1, 1997, a course in hypnotism from a state



- 1 approved school that included less than three hundred (300)
- 2 classroom hours.
- 3 ~~(e)~~ **(b)** This SECTION expires July 1, 2005.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 153, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 16, strike "three (3) years" and insert "**one (1) year of**".

Page 6, line 16, delete ".".

Page 6, line 16, reset in roman "or has".

Page 6, reset in roman lines 17 through 19.

and when so amended that said bill do pass.

(Reference is to SB 153 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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## SENATE MOTION

Mr. President: I move that Senate Bill 153 be amended to read as follows:

Page 2, between lines 31 and 32, begin a new paragraph and insert:  
"SECTION 3. IC 25-20.5-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. This chapter does not apply to the following:

- (1) A licensed dentist practicing dentistry under IC 25-14.
- (2) A licensed physician practicing medicine under IC 25-22.5.
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- (6) A registered nurse licensed under IC 25-23.
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- (8) An individual who teaches Lamaze prenatal and delivery relaxation techniques to pregnant women.
- (9) A law enforcement officer who:
  - (A) is trained in hypnotism; and
  - (B) uses hypnosis only for law enforcement purposes.
- (10) **A licensed chiropractor practicing the science of chiropractic under IC 25-10.**
- (11) An individual who performs hypnotism exclusively for entertainment or amusement purposes at a theater, night club, or other place that offers entertainment to the public for consideration or promotional purposes."

Renumber all SECTIONS consecutively.

(Reference is to SB 153 as printed February 1, 2002.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred Senate Bill 153, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CROOKS, Chair

Committee Vote: yeas 9, nays 0.

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